

Message Text

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ORIGIN NODS-00

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FM SECSTATE WASHDC
TO AMEMBASSY PANAMA FLASH

S E C R E T STATE 063379

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PFOR, PAN

SUBJECT: POSSIBLE "CONDITIONS"
EYES ONLY FOR AMBASSADOR JORDEN FROM CHRISTOPHER
1. AS MENTIONED YESTERDAY, SENATE ATTENTION WILL NOW BE
FOCUSED ON "RESERVATIONS" OR "CONDITIONS" OR "UNDER-
STANDINGS." THERE MAY BE ADDITIONAL "AMENDMENTS" PROPOSED
TO THE NEUTRALITY TREATY ON MONDAY OR TUESDAY BUT THE
MAIN ATTENTION HAS PLAINLY SHIFTED.

2. THERE WILL PROBABLY HAVE TO BE A CONDITION OR RESER-
VATION WHICH IN EFFECT WILL DELETE THE SEA-LEVEL CANAL
PROVISIONS OF PARAGRAPH 2 OF ARTICLE XII OF THE PANAMA
CANAL TREATY. WE NEED YOUR JUDGMENT ON WHICH OF THE TWO
FOLLOWING VERSIONS WOULD BE LESS OBJECTIONABLE TO THE
PANAMANIAN:

(A) SHORT FORM:

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QUOTE: SUBJECT TO THE CONDITION, WHICH SHALL BE
AGREED TO BY BOTH PARTIES AT THE TIME OF THE EXCHANGE
OF THE INSTRUMENTS OF RATIFICATION OF THIS TREATY,
THAT PARAGRAPH 2 OF ARTICLE XII SHALL BE OF NO FORCE
OR EFFECT. END QUOTE.

(B) LONG FORM:

QUOTE: SUBJECT TO THE CONDITION, WHICH SHALL BE AGREED TO BY BOTH PARTIES AT THE TIME OF THE EXCHANGE OF THE INSTRUMENTS OF RATIFICATION OF THIS TREATY, THAT WITH REFERENCE TO PARAGRAPH 2 OF ARTICLE XII, THE UNITED STATES OF AMERICA MAY NEGOTIATE AND AGREE WITH ANY THIRD STATE FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL IN ANY ROUTE IN THE WESTERN HEMISPHERE, SUBJECT ONLY TO PRIOR CONSULTATION WITH THE REPUBLIC OF PANAMA, AND THAT THE REPUBLIC OF PANAMA MAY CONSTRUCT OR AGREE TO THE CONSTRUCTION OF A NEW INTEROCEANIC CANAL IN ITS TERRITORY, SUBJECT ONLY TO PRIOR CONSULTATION WITH THE UNITED STATES OF AMERICA. END QUOTE.

3. IT APPEARS THAT THERE WILL HAVE TO BE A "CONDITION" WITH RESPECT TO POST-1999 ARRANGEMENTS. WHILE WE HAVE DISCUSSED THIS BEFORE, I WANTED YOU TO HAVE THE TEXT CURRENTLY CIRCULATING ON CAPITOL HILL. WE DO NOT HAVE ANY REAL ROOM FOR MANEUVER ON THIS TEXT.

QUOTE: SUBJECT TO THE CONDITION, TO BE INCLUDED IN THE INSTRUMENT OF RATIFICATION OF THE TREATY TO BE EXCHANGED WITH THE REPUBLIC OF PANAMA, THAT ARTICLE V SHALL NOT PRECLUDE THE PARTIES FROM MAKING, IN ACCORDANCE WITH THEIR RESPECTIVE CONSTITUTIONAL PROCESSES, ANY AGREEMENTS OR ARRANGEMENTS TO FACILITATE PER-
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FORMANCE AT ANY TIME AFTER DECEMBER 31, 1999, OF THEIR RESPONSIBILITIES TO MAINTAIN THE REGIME OF NEUTRALITY ESTABLISHED IN THE TREATY, INCLUDING AGREEMENTS OR ARRANGEMENTS FOR ANY UNITED STATES MILITARY PRESENCE AFTER THAT DATE IN THE REPUBLIC OF PANAMA THAT THE PARTIES MAY DEEM NECESSARY AND APPROPRIATE. END QUOTE.

4. ONE OF THE UNCOMMITTED SENATORS YESTERDAY PROPOSED A NEW CONDITION WHICH WOULD BE AN AMENDMENT TO THE RESOLUTION OF RATIFICATION OF THE NEUTRALITY TREATY. WOULD YOU PLEASE LET ME HAVE YOUR EVALUATION OF THIS CONDITION BY FLASH CABLE OR TELEPHONE.

BEGIN QUOTE: SUBJECT TO THE CONDITION, TO BE INCLUDED IN THE INSTRUMENT OF RATIFICATION OF THE TREATY TO BE EXCHANGED WITH THE REPUBLIC OF PANAMA, THAT NOTWITHSTANDING THE PROVISIONS OF ARTICLE V, IF THE CANAL IS CLOSED, OR ITS OPERATIONS ARE INTERFERED WITH, THE UNITED STATES OF AMERICA SHALL HAVE THE RIGHT TO TAKE SUCH STEPS AS IT DEEMS NECESSARY, INCLUDING THE USE OF MILITARY FORCE, TO REOPEN THE

CANAL OR RESTORE THE OPERATIONS OF THE CANAL, AS THE

CASE MAY BE. END QUOTE.

5. TODAY'S WASHINGTON POST STORY ON CANAL DEBATE IS
BEING SENT SEPTTEL. IT IS A REASONABLY ACCURATE INDICATION
OF THE CURRENT STATE OF PLAY.

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